

**IN THE UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

IN RE: KAREN KAY MCGRIFF, Debtor

NO.

19-00269  
Chapter 13

**RESPONSE TO TRUSTEE'S MOTION TO DISALLOW CLAIM**

Comes now NewRez Mortgage LLC d/b/a Shellpoint Mortgage Servicing as servicer for PYOD LLC, a secured creditor, (hereinafter "Respondent"), by and through its counsel, Mickel Law Firm, P.A. and hereby opposes Trustee's Motion to Disallow Claim and assigns the following reasons therefore:

1. Respondent's Proof of Claim is self-sustaining and constitutes prima facie evidence of the amounts actually due.
2. The Trustee objects to the Claim by stating that "The note does not accompany the proof of claim. Rule 3001(c) provides that when a claim is based on a writing, an original or duplicate of the writing must be filed. Without the note, the claim is not enforceable and the claim, therefore, should be disallowed under 11 U.S.C. § 502(b)(1)."
3. The Claim, as filed, is entitled to a presumption of allowability. By filing the Objection, the Trustee incurs the burden of overcoming the presumption of allowability and establishing the bases that the Claim is invalid. The mere filing of the Objection does not satisfy Trustee's burden; rather, Trustee must offer evidence to overcome the presumption of validity of the Claim. See 11 U.S.C. Section 502(a); Fed. R. Bankr. P. 3001(f).
4. The Trustee has failed to overcome the prima facie evidence of the validity of Respondent's Proof of Claim.

5. The amounts due alleged in the Proof of Claim are reasonable, actually incurred and in accordance with applicable law.
6. Additionally, Respondent shall be providing the Trustee with the requested documentation to validate the Proof of Claim and shall be amending the Proof of Claim to include this documentation.

MICKEL LAW FIRM, P.A.

222 2nd Avenue South  
Suite 1700  
Nashville, TN 37201  
PH: (615) 514-0138  
FX: (501) 664-0631

By: /s/ "Joshua I. Goldman"  
JOSHUA I. GOLDMAN  
Tennessee. Bar No. 035733

**CERTIFICATE OF SERVICE**

I, Joshua I. Goldman, hereby certify that a true and correct copy of the foregoing Response to Trustee's Motion to Disallow Claim has been served upon the following parties in interest either via pre-paid regular U.S. Mail, or via electronic notification:

**DEBTOR'S ATTORNEY**

RYAN THOMAS LLOYD  
CLARK AND WASHINGTON  
237 FRENCH LANDING DR  
NASHVILLE, TN 37228

**OFFICE OF THE CHAPTER 13 TRUSTEE**

HENRY EDWARD HILDEBRAND, III  
OFFICE OF THE CHAPTER 13 TRUSTEE  
PO BOX 340019  
NASHVILLE, TN 37203-0019

**DEBTOR**

KAREN KAY MCGRIFF  
6558 KARI DR.  
MURFREESBORO, TN 37129

/s/ "Joshua I. Goldman"  
JOSHUA I. GOLDMAN  
ATTORNEY FOR RESPONDENT